

Entered - 07/13/04 - sb
CL04L0437 - DIANNE C. MITCHELL

CLAIM OF: **THE ESTATE OF RELIUS BRITTAIN,**
through its attorney,
Gary M. Shapiro
600 Galleria Parkway
Suite 1900-73
Atlanta, Georgia 30339

04-R -1337

For damages alleged to have been sustained as a result of the death of
Relius Brittain on February 22, 2004 at Bowen Homes, 2852 Yates
Drive, Apartment 42.

THIS ADVERSE REPORT IS APPROVED

BY: *Jerry L. DeLoach*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

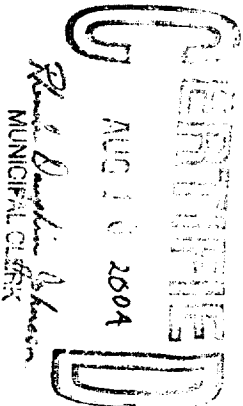
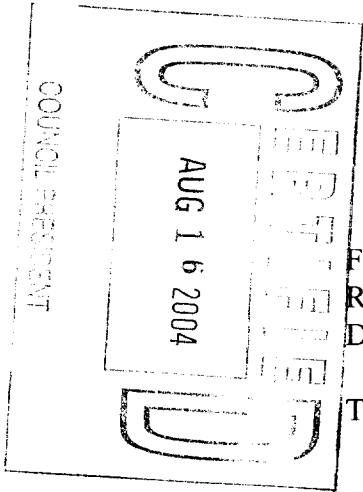
DATE: 7/27/04

CHAIR: *Chela Henderson*

Vynell Maly

Mary Conner

C. T. Monte



ADVISED
JUL 16 2004

CORRECTED



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

August 30, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Gary M. Shapiro
Attorney at Law
600 Galleria Parkway
Suite 1900-73
Atlanta, GA 30339

04-R-1337

RE: The Estate of Relius Brittain

Dear Attorney Shapiro:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on August 16, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0437

Date: July 15, 2004

Claimant /Victim THE ESTATE OF REGIUS BRITAIN BY: _____
(Atty.) Gary M. Shapiro
Address: 600 Galleria Parkway, Suite 1900-73, Atlanta, Georgia 30339
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 07/12/04 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/22/04 Place: Bowen Homes, 2852 Rates Drive, Apt. 42
Department _____ Bureau: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that REGIUS BRITAIN died due to carbon monoxide poisoning as a result of an improperly repaired or maintained furnace. The investigation determined this property is owned by the Atlanta Housing Authority and they are responsible for the maintenance of same. The claimant's attorney has been advised to pursue this matter directly with the Atlanta Housing Authority as they are a separate legal entity from the City of Atlanta.

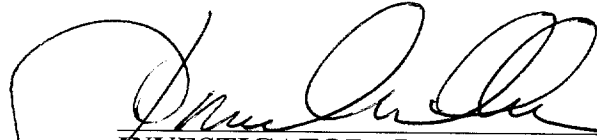
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

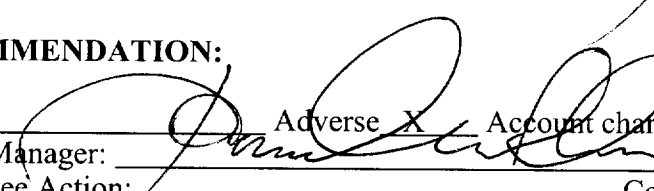
Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager:  Concur/date 07/15/04
Committee Action: _____ Council Action _____

RCS# 5937
8/16/04
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-14 EXCEPT:04-R-1339
04-R-1391
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		8-16-4 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1375 2. 04-O-1206 3. 04-O-1209 4. 04-O-1354 5. 04-O-1357 6. 04-O-1366 7. 04-O-0437 8. 04-O-1350 9. 04-O-1351 10. 04-O-1368 11. 04-O-1247 12. 04-O-1221 13. 04-R-1372 14. 04-R-1273 15. 04-R-1388 16. 04-R-1402 17. 04-R-1403 18. 04-R-1404 19. 04-R-1304 20. 04-R-1392 21. 04-R-1393 22. 04-R-1394 23. 04-R-1395 24. 04-R-1396 25. 04-R-1397 26. 04-R-1398 27. 04-R-1355 28. 04-R-1356 29. 04-R-1373 30. 04-R-1308 31. 04-R-1309 32. 04-R-1310 33. 04-R-1311 34. 04-R-1349 35. 04-R-1367 36. 04-R-1370 37. 04-R-1312 38. 04-R-1313 39. 04-R-1315 40. 04-R-1316	41. 04-R-1317 42. 04-R-1400 43. 04-R-1320 44. 04-R-1321 45. 04-R-1322 46. 04-R-1323 47. 04-R-1324 48. 04-R-1325 49. 04-R-1326 50. 04-R-1327 51. 04-R-1328 52. 04-R-1329 53. 04-R-1330 54. 04-R-1331 55. 04-R-1332 56. 04-R-1333 57. 04-R-1334 58. 04-R-1335	59. 04-R-1336 60. 04-R-1337 61. 04-R-1338 62. 04-R-1340 63. 04-R-1341 64. 04-R-1342 65. 04-R-1343 66. 04-R-1344 67. 04-R-1345 68. 04-R-1346 69. 04-R-1347 70. 04-R-1348